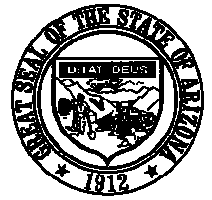




THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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**Governor**  
Janet Napolitano  
**Commissioners**  
Chairman, Joe Carter, Safford  
Susan E. Chilton, Arivaca  
W. Hays Gilstrap, Phoenix  
Joe Melton, Yuma  
Michael M. Golightly, Flagstaff  
**Director**  
Duane L. Shroufe  
**Deputy Director**  
Steve K. Ferrell



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**REVISION #1**

August 28, 2003

A public meeting of the Arizona Game and Fish Commission will be held on September 4-6, 2003, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

**Thursday, September 4, 2003, Arizona Game and Fish Commission at the Yuma Regional Office, 9140 E. 28<sup>th</sup> St., Yuma, Arizona, 85365.**

**Meeting begins at 1:00 p.m.**

**\*CHANGE**

- 1. Presenter: Steve K. Ferrell, Deputy Director. Prop 202 - Arizona Wildlife Conservation Fund Expenditures Workshop.** The Commission will participate in a workshop with Department staff regarding fund expenditures from the Prop 202 - Arizona Wildlife Conservation Fund. The Commission may vote to give the Department direction on this issue.

**Friday, September 5, 2003, Arizona Game and Fish Commission at the Yuma Regional Office, 9140 E. 28<sup>th</sup> St., Yuma, Arizona, 85365.**

**Meeting Begins at 8:00 a.m.**

**1. Executive Session**

- a. Purchase of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the purchase of real property and associated water rights pursuant to A.R.S. § 38-431.03(A)(7). The Commission may decide this matter in the public meeting or defer any decision to a later date.
- b. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission*

*& Shroufe, CIV2000-020754; Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; Bar D Cattle Co. v. Shroufe, CIV2002-0872; and in the matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT.*

**Public Session begins at approximately 9:00 a.m. following Executive Session.**

#### **Awards and Commissioning of Officers**

- 2. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton, CIV02-0402 PHX-FJM; Montoya v. Manning, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); In Re General Stream Adjudication for the Little Colorado River and Gila River; Mark Boge v. Arizona Game & Fish Commission & Shroufe, CIV2000-020754; Mary R. LLC, et. al. v. The Arizona Game & Fish Commission, CIV2001-015313; Ameduri and Yee et. al. v. U.S. Forest Service et al., U.S. District Court No. CIV 02 2495 PCT FJM; Bar D Cattle Co. v. Shroufe, CIV2002-0872; and in the matter of Search Warrant No. CR 2002-2395SW; The Fund for Animals et. al. v. Norton et. al., USDC D.C. 1:30-CV-00892 (RJL); and Phelps Dodge Corp. v. Arizona Dept. of Water Resources, LC2003-000243-001DT.* A written report will also be available. The Commission may vote to take action on any case.
- 3. Presenter: John Kennedy, Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related thereto. The update addresses decisions or activities since the August 8, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 4. Presenter: John Kennedy, Habitat Branch Chief. An Update on the President's Healthy Forests Initiative and Related Forest Restoration in Arizona.** The Commission will be briefed on the President's Healthy Forests Initiative and related forest restoration in Arizona. The Commission may vote to take action on, or provide the Department direction on this item.
- 5. Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Approve: 1) Three Recommendations that Relate to the Department's Land Acquisition Process; 2) A Streamlined Land Acquisition Process; and 3) A Substantive Policy Statement on Heritage Fund Acquisitions.** The Commission will be asked to vote to approve the Department's recommendations relating to the land acquisition process, and 1) Coordination with local governments, coordination with private landowners, and obligating funds for purchasing properties early in the land acquisition process; 2) A streamlined land acquisition process; and 3) A substantive policy statement on Heritage Fund acquisitions.

6. **Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the August 8, 2003, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
7. **Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. NSSF Scholastic Clay Target Shooting Sports Program.** The Commission will be provided an overview of the National Shooting Sports Foundation's Scholastic Clay Target Shooting Sports Program by the program's national director, Mr. Bill Christy. The Commission may vote to take action on, or provide the Department direction on the implementation of this program in Arizona.
8. **Presenter: Kerry Baldwin, Education Branch Chief, Information and Education Division. Statewide Shooting Ranges Grant Approval.** The Commission will be asked to vote on Statewide Shooting Range Grant application number 2004-3, from the FY 2004 grants cycle. This grant application is from Lee and Judy Zollicoffer for the Ye Olde Route 66 Trap, Skeet, and Sporting Clay Club, which would be located between Kingman and Seligman, Arizona on the old Route 66 Highway.
9. **Presenter: Fred J. Bloom, Development Branch Chief. Update on Items Related to the Master Plan for Department Headquarters.** The Department will provide the Commission with an update on items related to the Master Plan for Department Headquarters as requested at the June Commission meeting. The Commission may vote to provide the Department with further direction on this item.
10. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
11. **Consent Agenda – The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to vote to approve these matters as presented, subject to approval or recommendations of the Office of the Attorney General. Commission members may remove certain items if further public input or discussion is deemed necessary.**
  - a. **Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Authorize the Department to Pursue Acquisition, Through Lease or Patent Pursuant to the Recreation and Public Purposes Act, Approximately 10 Acres Adjacent to the Mesa Regional Office, Maricopa County, Arizona.** The Commission will be asked to vote to authorize the Department to pursue acquisition, through lease or patent pursuant to the Recreation and Public Purposes Act, approximately 10 acres adjacent to the Mesa Regional Office.

- b. **Presenter: John Kennedy, Habitat Branch Chief. Request for the Commission to Approve the Agreement (for Right-of-Way) with Qwest Communication for the Purpose of Continuing Service for Construction, Operation, and Maintenance of Underground Telephone Lines Through the Commission's Ben Avery Shooting Facility, Maricopa County, Arizona.** The Commission will be asked to vote to approve the Agreement (for Right-of-Way) with Qwest Communication for the purpose of continuing service to construct, operate, and maintain underground telephone lines through the Commission's Ben Avery Shooting Facility.
- c. **Presenter: Fred J. Bloom, Development Branch Chief. Memorandum of Understanding for the Desert Wells Multi-Use Area.** The Commission will be asked to vote to approve the Memorandum of Understanding (MOU) for the Desert Wells Multi-Use Area.

**\*ADD**

- d. **Presenter: John Kennedy, Habitat Branch Chief. Request for Commission Approval of a Contribution Agreement Between the Commission and the Natural Resources Conservation Service to Establish a Mutually-Funded Position to Coordinate the Development of Projects and Contracts Pursuant to the Farm Bill Conservation Programs.** The Commission will be asked to vote to approve a Contribution Agreement between the Commission and the Natural Resources Conservation Service to establish a mutually-funded position to coordinate the development of projects and contracts pursuant to the Farm Bill Conservation Programs.
- 12. Presenter: John Kennedy, Habitat Branch Chief. An Overview of the Sonoran Desert Conservation Plan and Proposed Multi-Species Conservation Plan for Pima County at Time Certain 11:00 a.m.** The Commission will be briefed on the Sonoran Desert Conservation Plan and Proposed Multi-Species Conservation Plan for Pima County. Pima County will provide a general overview of the plans and the geographic area they encompass and will discuss how the multiple agencies with jurisdictional responsibilities will be involved in the implementation of the plans. The Commission may vote to take action on, or provide the Department direction on this item.
- 13. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m.** The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the following individuals.

<u>Name</u>	<u>Conviction</u>
Robinson, Ray E.	Count A: Unlawful taking/sale of wildlife (reptiles).

Cervantes, Zenaido A.	Count A: Take wildlife without a license (javelina). Count B: Possession of unlawfully taken wildlife (javelina). Count C: Take wildlife with an unlawful method (.22 rimfire rifle).
Copeland, Brenden K.	Count A: Take wildlife without a valid permit (turkey). Count B: Possess/transport unlawfully taken wildlife (turkey).
Silva, Sr., Richard	Count A: Take wildlife without a valid license. Count B: Obtain license and tag by fraud.
Hollingsworth, Frank A.	Count A: Take wildlife without a valid license/tag. Count C: Shoot from a vehicle.
Sherwood, Wesley D.	Count A: Obtain 2000 resident license by fraud. Count C: Obtain 2001 resident license by fraud. Count G: Obtain 2002 resident license by fraud.

**\*ADD**

Tremain, Jack L.	Count A: Take wildlife from a motor vehicle (antelope). Count C: Possession of unlawfully taken wildlife (antelope). (Continued from the August 8, 2003, Commission meeting).
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**\*ADD**

Smith, Chad L.	Count A: Take wildlife from a motor vehicle (antelope). Count B: Possession of unlawfully taken wildlife (antelope). (Continued from the August 8, 2003, Commission meeting).
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**\*CHANGE**

**14. Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Notice of Proposed Rulemaking for R12-4-102, Fees for Licenses, Tags, Stamps, and Permits and the Preliminary Economic, Small Business, and Consumer Impact Statement to Adopt the Kaibab North Special Deer Hunting Permit Fee Increase.** The Commission will be asked to approve the Notice of Proposed Rulemaking for R12-4-102, Fees for Licenses, Tags, Stamps, and Permits to adopt the Kaibab North Special Deer Hunting Permit fee increase and to file the notice with the Secretary of State. The fee increase is provided for in a 2001 Sikes Act agreement between the Arizona Game and Fish Commission and the United States Department of Agriculture Forest Service, Kaibab National Forest. The authorized fee increase is from \$5 to \$15.

- 15. Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Five-Year Rule Review Report for Game and Fish Commission rules, Article 2, Miscellaneous Licenses and Permits.** The Commission will be asked to vote to approve the Five-Year Rule Review Report for Game and Fish Commission rules, Article 2, Miscellaneous Licenses and Permits, for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
- 16. Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Five-Year Rule Review Report for Game and Fish Commission Rules, Article 4, Live Wildlife for filing with the Governor's Regulatory Review Council.** The Commission will be asked to vote to approve the 2003 Five-Year Rule Review Report for Game and Fish Commission Rules, Article 4, Live Wildlife for filing with the Governor's Regulatory Review Council under A.R.S. § 41-1056.
- 17. Presenter: Steve K. Ferrell, Deputy Director. Potential Rule Changes to Article 1, Definitions and General Provisions, Including but not Limited to Rules R12-4-104 and R12-4-107.** The Commission will discuss potential rule changes to Article 1, Definitions and General Provisions, including but not limited to rules R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing, and R12-4-107, Bonus Points, and may vote to give the Department direction on initiating rulemaking on these or additional Article 1 rules. The Commission may vote to go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on this agenda item pursuant to A.R.S. § 38-431.03 (A)(3) and (4).

**\*ADD**

- a. Presenter: Carlos Ramírez, Rulewriter. Request to Approve a Notice of Rulemaking Docket Opening for Article 1, Definitions and General Provisions, Including but not Limited to Rule R12-4-104.** The Commission will be asked to vote to approve a Notice of Rulemaking Docket Opening for the amendment of Article 1, Definitions and General Provisions, including but not limited to rule R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing.

**\*ADD**

- b. Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business and Consumer Impact Statement for R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking and the preliminary Economic, Small Business and Consumer Impact Statement for R12-4-104, Application Procedures for Issuance of Hunt Permit-tags by Drawing, for filing with the Secretary of State.

**\*ADD**

- c. Presenter: Carlos Ramírez, Rulewriter. Request to Approve a Notice of Rulemaking Docket Opening for Article 1, Definitions and General Provisions, Including but not Limited to Rule R12-4-107, Bonus Points.** The Commission will be asked to vote to approve a Notice of Rulemaking Docket Opening for the amendment of Article 1,

Definitions and General Provisions, including but not limited to rule R12-4-107, Bonus Points.

**\*ADD**

- d. **Presenter: Carlos Ramírez, Rulewriter. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business and Consumer Impact Statement for R12-4-107, Bonus Points.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking and the preliminary Economic, Small Business and Consumer Impact Statement for R12-4-107, Bonus Points, for filing with the Secretary of State.

**18. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

**19. Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.

**\*CHANGE**

**20. Presenter: Steve K. Ferrell, Deputy Director. Conceptual Approach for the Future Expenditure of Funds from the Prop 202 - Arizona Wildlife Conservation Fund.** The Department will present a conceptual approach for the future expenditure of funds from the Prop 202 - Arizona Wildlife Conservation Fund. The Department will ask the Commission to vote to provide the Department with direction on this issue.

**21. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

**22. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

**23. Approval of Minutes** for August 8-9, 2003, and **Signing of Minutes** for June 20-21, 2003.

**24. Future Agenda Items.**

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission will afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

*"Managing Today for Wildlife Tomorrow"*

A handwritten signature in black ink, reading "Duane L. Shroufe". The signature is stylized with a large, looped "D" and a cursive "Shroufe".

Duane L. Shroufe  
Director

DLS:dy